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10 Attorneys for Defendant  
11 CITY OF SAN JOSE

**\*E-FILED - 4/9/09\***

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE FACILITY

15 LICKING ENTERPRISES, INC.

16 Plaintiff,

17 v.

18 CITY OF SAN JOSE, a municipal  
19 corporation; SAN JOSE CITY COUNCIL;  
20 RON GONZALES, CINDY CHAVEZ, PAT  
21 DANDO, KEN YEAGER, CHUCK REED,  
22 FORREST WILLIAMS, LINDA J.  
23 LEZOTTE, NORA CAMPOS, GEORGE  
24 SHIRAKAWA, JR., DAVI D. CORTESE,  
25 JOHN DIQUISTO, sued in their official  
26 capacities,

27 Defendants.

NO.: C07-00735 RMW (PVT)

**STIPULATION AND ORDER  
CONTINUING TRIAL DATE;  
DECLARATION IN SUPPORT**

28 I, Clifford S. Greenberg, hereby declare:

1. I am a Senior Deputy City Attorney for the City of San Jose, assigned to  
represent the Defendants in the above-entitled action.

2. This action involves allegations of disability discrimination in connection with the  
denial of a rezoning of Plaintiff's property, which is used for rehabilitation services for  
recovering alcoholics and drug addicts.

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3. The parties have been attempting to reach a resolution of this matter by a purchase of the property by the City of San Jose, which is interested in the property for purposes of use as a freeway interchange at Taylor and Highway 101.

4. The parties have engaged in two unsuccessful mediations through the Court's mediation program, and are currently in the process of setting up a third, private mediation with JAMS. If the case cannot be resolved, Defendants intend to file a Motion for Summary Judgment, in order to dispose of some, if not all, issues involved in the case. Both parties wish to resolve the case prior to the expense and time involved in preparing and defending said motion, and the expense involved in hiring and deposing experts.

5. For these reasons, the parties have agreed to continue the dates for trial, motions and experts, in order to pursue resolution. The parties propose to adjust the schedule as follows:

Current Trial Date: June 22, 2009	Proposed Trial Date: September 14, 2009
Current Motions Date: May 1, 2009	Proposed Motions Date: July 17, 2009
Current PTC: June 4, 2009	Proposed PTC: August 27, 2009
Current Expert Disclosure: Passed	Proposed Expert Disclosure: June 22, 2009

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**STIPULATION**

The parties hereby stipulate to adjust the schedule in the above-entitled case, as follows:

Current Trial Date: June 22, 2009	Proposed Trial Date: September 14, 2009
Current Motions Date: May 1, 2009	Proposed Motions Date: July 17, 2009
Current PTC: June 4, 2009	Proposed PTC: August 27, 2009
Current Expert Disclosure: Passed	Proposed Expert Disclosure: June 22, 2009

DATED: March 20, 2009

RICHARD DOYLE, City Attorney

By: /s/ Clifford S. Greenberg  
CLIFFORD S. GREENBERG  
Senior Deputy City Attorney

Attorneys for Defendant  
CITY OF SAN JOSE

DATED: March 20, 2009

LAW OFFICES OF STUART D. KIRCHICK

By: /s/ Stuart D. Kirchick  
STUART D. KIRCHICK

Attorneys for Plaintiff  
LICKING ENTERPRISES, INC.

**ORDER**

For good cause shown, it is hereby ORDERED that the schedule for the above-entitled case is adjusted, as follows:

Current Trial Date: June 22, 2009	Proposed Trial Date: September 14, 2009
Current Motions Date: May 1, 2009	Proposed Motions Date: July 17, 2009
Current PTC: June 4, 2009	Proposed PTC: August 27, 2009
Current Expert Disclosure: Passed	Proposed Expert Disclosure: June 22, 2009

DATED: 4/9/09

  
JUDGE, U.S. DISTRICT COURT